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TO:

Attn: Examiner Cheyne D. Ly  
Group Art Unit: 1631  
United States Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: Patricia Coleman James  
Patent and Trademark Department  
Abbott Laboratories  
D-0377, AP6A-1  
Telephone: (847) 937-4558

**MESSAGE:**

Applicants: Michael J. Amdahl.  
Serial No.: 09/975,853  
Filing Date: October 12, 2001  
Title: A METHOD OF DETERMINING THE INITIAL DOSE OF VITAMIN D COMPOUNDS  
Attorney Docket No: 6741.US.01

Enclosed herewith for the patent application identified above are the following:

1. Response to Office Communication and Amendment, 8 pages;
2. Copy of Office Communication dated 01/04/2005, 2 pages

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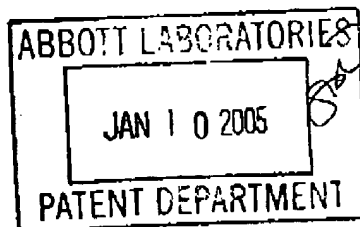
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,853	10/12/2001	Michael J. Amdahl	6741.US.01	9852
23492	7590	01/04/2005		
ROBERT DEBERARDINE ABBOTT LABORATORIES 100 ABBOTT PARK ROAD DEPT. 377/AP6A ABBOTT PARK, IL 60064-6008				
			EXAMINER	
			LY, CHEYNE D	
			ART UNIT	PAPER NUMBER
			1631	
DATE MAILED: 01/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



*Response due*  
 DUE DATE 10/29/04 (see OA dated 9/29/04)  
 DEADLINE DATE 4/29/05  
 DOCKETED BY RCV  
 ATTY OK RCV  
 CANCEL (ATTY INITIAL) \_\_\_\_\_  
 CANCELED BY \_\_\_\_\_

*and \* on page 2 of this communication*

PTO-90C (Rev. 10/03)

*Y.N.*



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09/975853

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**Failure to Acceptably Respond to  
Notice of Non-Compliant Amendment (37 CFR 1.121)  
No New Time Period for Reply is Provided**

The amendment document filed on 11-2-04 fails to provide the corrective action required by the prior Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on 9/29/04. The amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121. In order for the amendment document to be compliant, correction of the item(s) listed below is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

\* The period for reply continues to run from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of the application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, and (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

**THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claim 9 shows amending

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/gregnotice/officerlyer.pdf>.

Die MEO  
Supervisory Legal Instruments Examiner (SLIE)

571 272-0520  
Telephone No.

FEB 03 2005

6741.US.O1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael J. Amdahl

Serial No.: 09/975,853

Filed: October 12, 2001

For: A METHOD OF DETERMINING  
THE INITIAL DOSE OF VITAMIN  
D COMPOUNDS

Examiner: C. Dune Ly

Group Art Unit: 1631

Case No.: 6741.US.O1

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37 CFR §1.8(a):**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile, said transmission to be completed before midnight Eastern time on the date shown below, addressed to the following recipient:

Commissioner for Patents  
Attn: Examiner : C. Dune Ly  
Group Art Unit: 1631  
Alexandria, VA 22313-1450

Recipient Telefax Number: 703-872-9306

Michele M. Bonke

Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE COMMUNICATION**

Dear Sir:

The following is in response to the Office Communication mailed January 4, 2005 in the subject application.

**REMARKS**

This Response is in reply to the Office Communication mailed on January 4, 2005 where the examiner requests the correction of the identifiers in the parenthetical expression in the Amendment filed on November 4, 2004. Reconsideration of the amendment is respectfully requested.